

ESTTA Tracking number: **ESTTA281426**

Filing date: **05/01/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Noble Communications Company		
Entity	Corporation	Citizenship	Missouri
Address	2155 West Chesterfield Boulevard Springfield, MO 65807 UNITED STATES		

Attorney information	Timothy D. Steffens Polsinelli Shughart PC 700 West 47th Street Suite 1000 Kansas City, MO 64112 UNITED STATES uspt@polsinelli.com Phone:816-753-1000
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Registration Subject to Cancellation

Registration No	3589274	Registration date	03/10/2009
International Registration No.	NONE	International Registration Date	NONE
Registrant	AFC Network Private Limited 9 Temasek Boulevard, #23002 Suntec Tower Singapore, 038989 SINGAPORE		

Goods/Services Subject to Cancellation

Class 035.

All goods and services in the class are cancelled, namely: Advertising, marketing and promotional services; production of television commercials; provision of advertising space by electronic means and global information networks; rental of advertising space or advertising material on communication media; business management, consultancy and advisory services; marketing management, consultancy and advisory services; market research and analysis; conducting business research and surveys, namely, pricing surveys and analysis; market opinion polling studies; compilation of mailing lists and compilation of computerized databases for business directories; compilation of trade and business price and statistical information; compilation of information into computer databases; preparation and publication of publicity texts; creating, updating and dissemination of advertising matter; business advice and commercial information services; dissemination of business advice and commercial information; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with an awards program, a sports competition and sporting activities; contests and incentive award programs to promote the sale of products and services for others; organization and business supervision, on behalf of others, of exhibitions, trade fairs and trade shows for commercial or advertising purposes; direct marketing and telephone marketing services, not selling; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a general merchandise catalogue by mail order or by means of telecommunications; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a general

merchandise internet web site; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods in a retail store selling culinary related products; the bringing together, for the benefit of others, of a variety of goods in the field of general consumer merchandise, through a television shopping channel, enabling customers to conveniently view and purchase those goods by means of telecommunications; data processing services, namely, retrieval of data and information from a computer stored network

Class 038.

All goods and services in the class are cancelled, namely: Broadcasting and electronic transmission of data and information by cable television, computer terminals, electronic communications networks, fiber-optic networks, mobile and cellular telecommunications, over a global computer network, via satellite, television and wireless, communications; communications, by means of cable television, computer terminals, electronic communication networks, fiber-optic networks, mobile and cellular telecommunications, over a global computer network, via satellite, television and wireless means; subscription, pay-per-view, video-on-demand and interactive broadcasting and transmission of data and information by cable television, computer terminals, electronic communication networks, fiber-optic networks, mobile and cellular telecommunications, over a global computer network, via satellite, television and wireless communications; interactive delivery of video over satellite, terrestrial signal, wireless or fiber-optic networks; interactive services for facilitating the pre-selection and recording of programs and data in the nature of video on-demand transmission services; telecommunication services for the electronic transmission of data and information from a computer stored network; an online electronic bulletin board for transmission of messages among computer users concerning topics of interest, namely, lifestyle aficionados including cooking, recipes, restaurants, entertaining, nutrition, the culinary arts, traveling and living, food and beverage growth, cookware, cutlery, glassware; news agencies, namely, the transmission of news items to news reporting organizations; transmission of news

Class 041.

All goods and services in the class are cancelled, namely: Consultation services in the field of entertaining, namely, the hosting of parties and special events in the field of cooking, recipes, restaurants, nutrition, the culinary arts, traveling and lifestyles, foods and beverages, cookware, cutlery and glassware; production and distribution of television programs for entertainment and education, live theatrical programs for entertainment and education, film documentaries, films, educational programs and entertainment programs distributed over cable television, computer terminals, electronic communications network, fiber-optic networks, mobile and cellular telecommunications, over a global computer network, via satellite, television and wireless means; educational services, namely, conducting courses of instructions in the field of cookery; entertainment services, namely, organizing of exhibitions, namely, competitions, contest, games, quizzes, fun days, sporting events, shows, road shows, reality TV shows, variety shows, documentaries, stage events, theatrical performances, concerts, live performances and audience participation events, all pertaining to or featuring instruction, entertainment, education and information relating to lifestyle aficionados including cooking, recipes, restaurants, entertaining, nutrition, the culinary arts, traveling and living, food and beverage growth, cookware, cutlery, glassware; providing information relating in the field of entertaining; theatrical booking agencies; viewing guide services in the nature of an on-line network, providing personalized, interactive information regarding television programs for use by consumers; publishing of books and magazines, information leaflets, fact sheets in the field of lifestyle aficionados including cooking, recipes, restaurants, entertaining, nutrition, culinary arts, traveling and living, food and beverage growth, cookware, cutlery, glassware; providing recognition and incentives by way of awards to demonstrate excellence in the field of the culinary arts, hostelry and hospitality services, public spaces and environmental maintenance and protecting public hygiene


Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Related Proceedings	Petitioner filed a Notice of Opposition regarding a related application (App. No. 77/151,617) on 5/1/2009, which was designated ESTTA Tracking No. ESTTA281416.
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Marks Cited by Petitioner as Basis for Cancellation


U.S. Registration No.	1524769	Application Date	08/14/1987
Registration Date	02/14/1989	Foreign Priority Date	NONE
Word Mark	THE FOOD CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1987/08/10 First Use In Commerce: 1987/08/10 CONSULTING SERVICES IN THE FIELD OF TELEVISION AND RADIO ADVERTISEMENTS FOR THE FOOD INDUSTRY		

U.S. Registration No.	1619809	Application Date	07/10/1989
Registration Date	10/30/1990	Foreign Priority Date	NONE
Word Mark	THE FOOD CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1988/10/14 First Use In Commerce: 1988/11/05 NEWSLETTERS ON SUBJECTS OF INTEREST TO THE FOOD MARKETING INDUSTRY		


U.S. Registration No.	2357879	Application Date	06/28/1996
Registration Date	06/13/2000	Foreign Priority Date	NONE
Word Mark	THE FOOD CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1995/11/06 First Use In Commerce: 1995/12/04 providing on-line information via a global communications network on topics of general interest		

U.S. Registration No.	3343834	Application Date	09/21/2005
Registration Date	11/27/2007	Foreign Priority Date	NONE

Word Mark	THE FOOD CHANNEL
Design Mark	
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 2002/02/28 First Use In Commerce: 2002/02/28 Providing on-line information via a global communications network on topics of food


U.S. Registration No.	2297214	Application Date	06/28/1996
Registration Date	12/07/1999	Foreign Priority Date	NONE
Word Mark	INTERNET FOOD CHANNEL		
Design Mark			
Description of Mark	The mark consists of a fancy rectangle containing the words "INTERNET FOOD CHANNEL", the "OO" in the term food is in the design of an apple.		
Goods/Services	Class 042. First use: First Use: 1995/11/06 First Use In Commerce: 1995/12/04 providing on-line information via a global communications network on topics of general interest		

U.S. Application No.	77353955	Application Date	12/17/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE FOOD CHANNEL		

Design Mark	
Description of Mark	The mark consists of the words "THE FOOD CHANNEL" with the word "THE" encapsulated within a rectangle with rounded edges and presented vertically and a halved apple forming the letters "OO" within the word "FOOD".
Goods/Services	Class 042. First use: First Use: 2006/10/16 First Use In Commerce: 2006/10/16 Providing information and news via a global communications network on topics of food and beverages


U.S. Application No.	77714133	Application Date	04/15/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE FOOD CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2008/04/25 First Use In Commerce: 2008/04/25 Broadcasting of video and audio content and programming via a global communications network; providing access to video and audio content and programming via websites		

U.S. Registration No.	2211003	Application Date	11/06/1997
Registration Date	12/15/1998	Foreign Priority Date	NONE
Word Mark	INTERNATIONAL FOOD FUTURISTS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1990/08/15 First Use In Commerce: 1990/08/15 PROMOTING THE PUBLIC AWARENESS OF THE NECESSITY TO PLAN FOR PRESENT AND FUTURE USES OF FOOD TO MEET THE NEEDS AND DESIRES OF THE WORLD POPULATION

U.S. Registration No.	3138397	Application Date	06/01/2005
Registration Date	09/05/2006	Foreign Priority Date	NONE
Word Mark	INTERNATIONAL FOOD FUTURISTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1990/08/15 First Use In Commerce: 1990/08/15 PROMOTING THE PUBLIC AWARENESS OF THE NECESSITY TO PLAN FOR PRESENT AND FUTURE USES OF FOOD TO MEET THE NEEDS AND DESIRES OF THE WORLD POPULATION		

U.S. Registration No.	2161720	Application Date	03/25/1997
Registration Date	06/02/1998	Foreign Priority Date	NONE
Word Mark	FOOD WIRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1996/06/01 First Use In Commerce: 1996/06/01 providing on-line information directed to providers and consumers of food and food related goods and services in the fields of food preparation, marketing,		

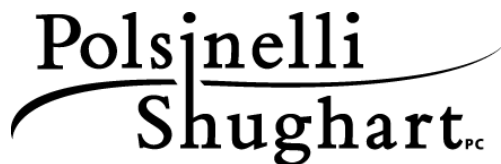
	distribution, purchasing, and restaurant services		
U.S. Registration No.	3129435	Application Date	08/19/2005
Registration Date	08/15/2006	Foreign Priority Date	NONE
Word Mark	FOOD FORWARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2004/04/00 First Use In Commerce: 2004/04/00 ADVERTISING AGENCY SERVICES		

Attachments	73811640#TMSN.gif (1 page)(bytes) 75127171#TMSN.gif (1 page)(bytes) 78717189#TMSN.jpeg (1 page)(bytes) 75127168#TMSN.gif (1 page)(bytes) 77353955#TMSN.jpeg (1 page)(bytes) 77714133#TMSN.jpeg (1 page)(bytes) 75385640#TMSN.gif (1 page)(bytes) 78640998#TMSN.jpeg (1 page)(bytes) 78696062#TMSN.jpeg (1 page)(bytes) Cover Letter - Petition to Cancel.pdf (1 page)(29574 bytes) Petition to Cancel - Asian Food Channel.pdf (5 pages)(19129 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Timothy D. Steffens/
Name	Timothy D. Steffens
Date	05/01/2009



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Timothy D. Steffens
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May 1, 2009

By Electronic Filing (ESTTA)

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**Re: Noble Communications Company
Petition to Cancel
AFC Network Private Limited's Registration of
Asian Food Channel (Reg. No. 3,589,274)**

Dear Commissioner :

We enclose a Petition to Cancel Registration Number 3,589,274 registered on the Supplemental Register on March 10, 2009. Contemporaneously with the electronic filing of this Petition to Cancel, we are arranging for an electronic payment in the amount of \$900.00 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 501662.

Please address all future correspondence to the attention of Timothy D. Steffens.

Sincerely,

/Timothy D. Steffens/

Timothy D. Steffens

TDS:dka

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration:

Mark: ASIAN FOOD CHANNEL
Registrant: AFC Network Private Limited
Registration No.: 3,589,274
Registered: March 10, 2009

NOBLE COMMUNICATIONS COMPANY

Petitioner,

v.

AFC NETWORK PRIVATE LIMITED,

Registrant.

CANCELLATION

NO.: _____

PETITION TO CANCEL

Petitioner Noble Communications Company (“**Noble**”), a corporation organized and operating under the laws of the State of Missouri, having its principal place of business at 2155 West Chesterfield Boulevard, Springfield, Missouri 65807, believes it has been and will be damaged by the continued registration of the mark ASIAN FOOD CHANNEL (“**Registrant’s Mark**”), designated Registration No. 3,589,274, registered on the Supplemental Register on March 10, 2009 (the “**Registration**”), and owned by AFC Network Private Limited, upon information and belief having its place of business at 9 Temasek Boulevard, #23002 Suntec Tower, Singapore, 038989, Singapore (“**Registrant**”), for the various services listed in the Registration in International Classes 35, 38 and 41 (collectively, the “**Registered Services**”), and hereby petitions for the cancellation of the same.

As grounds for its petition, Noble states as follows:

1. Noble is an acclaimed provider of a wide variety of business consulting and advertising services, newsletters, information, content and programming services and related goods and services to customers, clients and the general public throughout the United States and the world.

2. Noble (collectively with its predecessors, their affiliated and related entities and licensees) has been using its mark, “THE FOOD CHANNEL” and derivatives thereof in connection with a wide variety of goods and services in interstate commerce since at least as early as 1987, and has continuously used the mark since that date.

3. Noble is the owner of U.S. Registration No. 1,524,769 for THE FOOD CHANNEL in International Class 35, registered on February 14, 1989; Registration No. 1,619,809 for THE FOOD CHANNEL and design in International Class 16, registered on October 30, 1990; Registration No. 2,357,879 for THE FOOD CHANNEL in International Class 42, registered on June 13, 2000; Registration No. 3,343,834 for THE FOOD CHANNEL and design in International Class 43, registered on November 27, 2007; Registration No. 2,297,214 for INTERNET FOOD CHANNEL and design in International Class 42, registered on December 7, 1999; Application No. 77/353,955 for THE FOOD CHANNEL and design in International Class 42, filed on December 17, 2007; and Application No. 77/714,133 for THE FOOD CHANNEL in International Class 38, filed on April 15, 2009 (the “**THE FOOD CHANNEL Marks**”).

4. Additionally, Noble is the owner of U.S. Registration No. 2,211,003 for INTERNATIONAL FOOD FUTURISTS and design in International Class 42, registered on December 15, 1998; Registration No. 3,138,397 for INTERNATIONAL FOOD FUTURISTS in International Class 35, registered on September 5, 2006; Registration No. 2,161,720 for FOOD

WIRE in International Class 42, registered on June 2, 1998; and Registration No. 3,129,435 for FOOD FORWARD in International Class 35, registered on August 15, 2006 (the “**Related Marks**,” and collectively with Noble’s THE FOOD CHANNEL Marks, the “**Noble Marks**”).

5. Many of the Noble Marks are used together and constitute a family of marks.

6. THE FOOD CHANNEL Marks represented by Registration Nos. 1,524,769; 1,619,809; and 2,357,879; and the FOOD WIRE mark represented by Registration No. 2,161,720 are incontestable.

7. As a result of extensive advertising, promotion and sales in conjunction with a wide variety of goods and services, the Noble Marks have become well known and Noble has built up highly valuable goodwill in the Noble Marks, and said goodwill has become closely and uniquely identified and associated with Noble.

8. Registrant’s Mark was registered on the Supplemental Register on March 10, 2009, upon Section 44(e) of the Lanham Act.

9. Noble’s use of its THE FOOD CHANNEL Marks predates Registrant’s claimed priority date by approximately 19 years.

10. The Registered Services are identical, complementary and/or closely related to the goods and services offered by Noble in connection with the Noble Marks.

11. Registrant’s Mark is virtually identical to Noble’s THE FOOD CHANNEL Marks in sound, meaning, appearance and commercial impression so that consumers would likely be confused, mistaken or deceived in believing that the Registrant Services originate with Noble and/or that such services are approved, endorsed, or sponsored by, or associated in some way with, Noble.

12. The continued validity of the Registration would wrongfully create the appearance, to the detriment of Noble and all others, that Registrant has a relationship with Noble.

13. Noble's THE FOOD CHANNEL Marks have been used for over 20 years and through considerable efforts of Noble have become famous and easily recognized. Noble's THE FOOD CHANNEL Marks have been made famous well before the priority date of the Registration.

14. The continued validity of the Registration will dilute the distinctive quality of Noble's THE FOOD CHANNEL Marks and Related Marks by diminishing and blurring the favorable and distinctive reputation of such marks.

15. Noble has standing to bring this petition because it will be damaged by the continued validity of the Registration and because Noble's Application No. 77/353,955 has been suspended by the Patent and Trademark Office based upon the Registration and/or Registrant's related application to register its design mark (Application No. 77/151,617).

WHEREFORE, Noble respectfully prays that its petition to cancel U.S. Trademark Registration No. 3,589,274 be sustained and that the Registration be cancelled.

Dated this 1st day of May, 2009.

Respectfully submitted,

POLSINELLI SHUGHART PC

By: /Timothy D. Steffens/
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ATTORNEYS FOR PETITIONER
NOBLE COMMUNICATIONS COMPANY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Petition to Cancel was served by First Class United States Mail, postage prepaid, this 1st day of May, 2009 to:

AFC Network Private Limited
9 Temasek Boulevard
#23002 Suntec Tower
Singapore, 038989
Singapore

with a copy to:

Robert M. O'Connell, Jr.
Goodwin Procter LLP
Exchange Place, 53 State Street
Trademark Administrator
Boston, MA 02109-2881
Phone Number: 617-570-1000
Fax Number: 617-523-1231

/Timothy D. Steffens/

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